

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)
The Global Service Center for Quitting Chinese)
Communist Party) Facility ID No. 197021
) Acct. No. MB-202341410021
For Renewal of License for) FRN: 0023127632
Station WQEQ-LP) Application File No.: 0000183181
Flushing, New York)

ORDER

Adopted: September 28, 2023

Released: September 28, 2023

By the Chief, Audio Division, Media Bureau

I. INTRODUCTION

1. By this Order, we (1) adopt the attached Consent Decree entered into by the Media Bureau (Bureau) and The Global Service Center for Quitting Chinese Communist Party (Licensee), licensee of low power FM (LPFM) station WQEQ-LP, Flushing, New York (Station); and (2) deny a complaint filed against the Station (Complaint) by Queens Public Communications Network (QPCN) on February 28, 2021, raising issues regarding allegations of Licensee's compliance with section 312(g) of the Communications Act of 1934, as amended (Section 312(g)), and alleging that the Station was silent for over 12 consecutive months and failed to maintain a minimum operating schedule. Also before us is the above-captioned application for renewal of license (Application) filed by Licensee for the Station on January 31, 2022. The Bureau will act upon the Application after payment of the civil penalty required by the Consent Decree, if there are no issues other than those resolved by the Consent Decree that would preclude grant of the Application for a full term or short term.

2. As set forth in the Consent Decree, Licensee will pay a \$1,500 (one thousand five hundred dollar) civil penalty before October 30, 2023. The Consent Decree resolves the Bureau's investigation into Licensee's compliance with section 301 of the Act and section 73.1745 of the Rules, regarding the Station's operation with unauthorized facilities.

1 The Complaint was filed with the Commission's Enforcement Bureau, and was thus not assigned a pleading file number.

2 Application File No. 0000183181 (filed January 31, 2022).

3 Consent Decree at paras. 8, 20.

4 47 U.S.C. § 301; 47 CFR § 73.1745.

II. BACKGROUND

3. In the Complaint, QPCN states that it manages four public cable channels in Queens, New York. QPCN further states that it contacted Licensee to discuss various options to either acquire, lease, or share the Station, as an adjunct to its cable programming.⁵ QPCN additionally suggested that if Licensee were not open to such discussions, QPCN would report Licensee for failing to transmit broadcast signals for 12 consecutive months, or to maintain a required minimum operating schedule.⁶ QPCN alleges that it had attempted to tune into the Station periodically but was unable to receive the Station's signal.⁷

4. On August 4, 2021, the Bureau issued a Letter of Inquiry (LOI) to Licensee, to which Licensee filed a Response to Operational Inquiry Letter (LOI Response) on September 17, 2021.⁸ In the LOI Response, Licensee attaches a declaration and evidence to demonstrate that Station was not, at any time, off the air for more than 12 consecutive months.⁹ Although some of the equipment that would log times that the station was off the air was disabled after a power outage, and therefore did not record the dates and times of all station operations, that equipment was reset before a 12-month period of non-operation could occur, and the logs provided preclude a finding that there were over 12 consecutive months of non-operation.¹⁰ Additionally, Licensee's vice-president and operations manager, Cindy Zhang Sun (Sun) states that she regularly monitored Station's off-air signal and that at no point was the Station off the air for over 12 consecutive months.¹¹ Ms. Sun also states that, due to Station's restricted transmitter power, interference from licensed stations,¹² and possible interference from unauthorized "pirate" stations, Station cannot be heard throughout much of its service area, including QPCN's offices, which are located outside of Station's predicted 60 dB μ service contour.¹³

5. Licensee does state, however, that for a period from June 15, 2020, until September 7, 2021, Station did operate with an FM broadcast booster station generating 8 watts effective radiated power at a height above ground level of approximately 18 feet.¹⁴ It attributes the construction and operation of this unauthorized additional transmitter to a language translation and misunderstanding of then-new rules

⁵ Complaint at 1.

⁶ Exhibit 4 to Complaint.

⁷ Affidavit of Daniel Leone, attached to Complaint, para. 4.

⁸ See Letter from Albert Shuldiner, Chief, Audio Division, FCC Media Bureau, to The Global Service Center for Quitting Chinese Communist Party (Aug. 4, 2021); Response to Operational Status Inquiry Letter (Sept. 17, 2021).

⁹ See Declaration of Cindy Zhang Sun, Vice President and Operations Manager of Station, attached to LOI Response (Sun Declaration), paras. 4, 13.

¹⁰ *Id.* paras. 14, 16; Attachment F to LOI Response.

¹¹ Sun Declaration, para. 13.

¹² According to the Engineering Statement of Kevin T. Fisher, attached to the LOI Response, much of Station's service area, and much of the area outside of its service area, is subject to interference from co-channel station WDHA-FM, Dover, New Jersey; co-channel WDBY(FM), Patterson, New York; and co-channel translator W288DL, Stamford, Connecticut. Engineering Statement of Kevin T. Fisher, Exhibit A to LOI Response (Fisher Statement), at 1-2; Exhibit C to LOI Response.

¹³ Sun Declaration, paras. 19-22; Fisher Statement at 1.

¹⁴ Sun Declaration, para. 17. See also Statement Regarding Compliance with Commission Rules, attached to Application.

regarding FM broadcast booster operation by LPFM stations.¹⁵ Licensee further states that it received no complaints of interference regarding the unauthorized booster.¹⁶

III. DISCUSSION

6. *Complaint.* In evaluating an application for license renewal, the Commission's decision is governed by section 309(k)(1) of the Communications Act of 1934, as amended (Act). Under section 309(k) of the Act, the Commission shall grant the renewal application if, upon consideration of the application and pleadings, we find that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Commission's rules (Rules); and (3) there have been no other violations which, taken together, constitute a pattern of abuse.¹⁷ If, however, the licensee fails to meet that standard, the Commission may deny the application—after notice and opportunity for a hearing under section 309(e) of the Act—or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”¹⁸

7. Although the Complaint was not specifically filed against Licensee's Application, because the Application was pending with the Audio Division, the Enforcement Bureau referred the Complaint to the Media Bureau. We therefore consider the Complaint as an informal objection to the Application. Informal objections, like petitions to deny, must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with section 309(k) of the Act.¹⁹ For the reasons set forth below, we find that QPCN has not met this burden.

8. *Standing.* As a threshold matter, we find that Licensee's suggestion that QPCN lacks standing to challenge the Application is incorrect.²⁰ Section 73.3587 of the Rules permits “any person” to file informal objections to the grant of any application for an instrument of authorization and contains no requirement that an objector reside in the Station's service area.²¹ Accordingly, standing is not required to file an informal objection.²² In any event, QPCN is located close to Licensee's facilities and within the

¹⁵ Sun Declaration, para. 17.

¹⁶ *Id.*

¹⁷ 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). *See Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996*, Order, 11 FCC Rcd 6363 (1996).

¹⁸ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

¹⁹ 47 U.S.C. § 309(d)-(e). *See, e.g., WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff'd sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *reh'g denied* (Sept. 10, 1993) (*WWOR-TV*); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 R.R.2d 862, 864, para. 6 (1986) (*Area Christian*) (stating informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested); *WFBM, Inc.*, Memorandum Opinion and Order, 47 F.C.C.2d 1267, 1268, para. 3 (1974) (*WFBM, Inc.*).

²⁰ LOI Response at 1-3.

²¹ 47 CFR § 73.3587. The Bureau's practice is to treat petitions to deny that fail to demonstrate standing as an informal objection. *See, e.g., Alpha Media Licensee LLC, Debtor-in-Possession (Assignor) and Alpha Media Licensee LLC (assignee) et. al.*, Memorandum Opinion and Order, DA 21-825 at 11-12, paras. 32-33 (MB 2021).

²² *Id.*; 47 CFR § 1.41.

same borough of the City of New York. Therefore, we will consider QPCN's objection to the Application.

9. *Silent Operation.* We find that QPCN has failed to demonstrate that Station was silent for over 12 consecutive months, and in fact has not demonstrated when Station may or may not have been operating. We note, first, that Station was operating pursuant to a voluntary time share agreement with the Roman Catholic Diocese of Brooklyn, and its station WDMB-LP, Flushing, New York.²³ As evidence of Station's failure to operate for over 12 consecutive months, the Complaint merely states that, "[o]ver the course of the past year, [QPCN President/CEO Daniel Leone had] asked an agent of [QPCN] to periodically tune into [Station] to listen to its programming. Each and every time the agent discovered there was no programming at all on the station, only audio static."²⁴ This is impermissibly vague and, given that affiant Leone apparently did not attempt to tune into the Station himself, constitutes hearsay. Additionally, there is no indication of how many times the unidentified "agent" attempted to tune to the Station; what equipment was used to do so; and most importantly where the agent was located when trying to tune into the Station. Licensee has presented evidence that QPCN's offices are located outside of Station's 60 dB μ service contour, and further that Station's signal is subject to interference from co-channel FM stations and a translator.²⁵ Thus, assuming that the referenced periodic monitoring of Station's signal by QPCN's agent occurred at or near QPCN's offices, this would not conclusively establish that Station was not transmitting broadcast signals.²⁶ Lastly, the Station shares time with WDMB-LP, and QPCN has not indicated that its agent was listening to the Station during the hours it is authorized to operate. Overall, QPCN does not present properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with section 309(k) of the Act.²⁷ We therefore reject the allegations that Station failed to operate for over 12 consecutive months, or failed to maintain a minimum operating schedule.

10. *Unauthorized Operation.* We find that Licensee operated an FM broadcast booster station for over 14 months without Commission authorization.²⁸ Our finding is based on Licensee's admission, both in its LOI Response and in an attachment to the Application,²⁹ that it operated the booster station due to

²³ Sun Declaration, para. 9. *See also* Appendix B to LOI Response.

²⁴ Affidavit of Daniel Leone, attached to Complaint, para. 4.

²⁵ *See supra* note 12.

²⁶ We note that, in its LOI Response, while Licensee states that "there have been periods of . . . failure to broadcast for hours and days," there is no evidence of exactly how many such periods there have been, nor of their duration. The documents provided, consisting of partial program and EAS logs, do not disclose any periods of silence lasting more than 10 days. Given, as noted in the text, that there is insufficient evidence to conclude that there has been any failure of Station to transmit broadcast signals, we find there is likewise insufficient evidence from which to conclude whether there has been a violation of 47 CFR § 73.850(d), which requires notice to the Commission no later than the 10th day of limited or discontinued operation.

²⁷ We further note that Mr. Leone's unsworn "affidavit" is more properly styled as a declaration, except that it is not subscribed in the proper form set forth in 47 CFR § 1.16. Section 1.16 requires that the declaration be subscribed by the declarant as true under penalty of perjury. Leone's affidavit merely certifies that the statements therein are true and correct to the best of his knowledge, but does not do so under penalty of perjury.

²⁸ *See* 47 CFR §§ 74.1201(f) (definition of an FM broadcast booster station); 74.1201(l) (definition of an LPMF booster).

²⁹ LOI Response at 10; Statement Regarding Compliance with Commission Rules, attached to Application.

an inadvertent misinterpretation of the Commission's rules, rather than an intent to violate those rules.³⁰ Because Licensee disclosed the unauthorized booster station in its Application, there is no issue of incorrect certification regarding compliance with the Act and Commission rules, and thus no violation of section 312(a)(1) of the Act.³¹ Further, because the record does not reflect an intentional violation of the Commission's rules, we will not deny the Application on this basis.³²

11. The Bureau and Licensee have negotiated the attached Consent Decree in which Licensee admits that it violated section 301 of the Act and section 73.1745 of the Rules. The Consent Decree provides that Licensee shall carry out a compliance plan and make a civil penalty payment to the United States Treasury in the amount of One Thousand Five Hundred Dollars (\$1,500). A copy of the Consent Decree is attached and is incorporated by reference.

12. Finally, we have reviewed Licensee's Application in accordance with section 309(k) of the Act,³³ and we find that the Station has served the public interest, convenience, and necessity during the subject license term. We find that nothing else in the record creates a substantial or material question of fact as to whether Licensee possesses the basic qualifications to be a Commission licensee, or calling for further inquiry regarding the Application.³⁴ After reviewing the terms of the Consent Decree, we find that the public interest would be served by its approval and by terminating the Bureau's investigation into Licensee's violations of the Act and the Rules, subject to the terms of the Consent Decree.

IV. CONCLUSION

13. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 4(i), 4 (j) and 309(k) of the Communications Act of 1934, as amended,³⁵ and by the authority delegated by Sections 0.61 and 0.283 of the FCC's Rules,³⁶ the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification.

14. **IT IS FURTHER ORDERED** that the investigation by the Media Bureau of the matters noted above **IS TERMINATED**.

³⁰ LOI Response at 10; Sun Declaration, para. 17.

³¹ 47 U.S.C. § 312(a)(1) ("The Commission may revoke any station license or construction permit for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308 of this title.").

³² *Id.*

³³ 47 U.S.C. § 309(k)(1).

³⁴ We do not find here that the Licensee's Station operation "was conducted in an exceedingly careless, inept and negligent manner and that the licensee is either incapable of correcting or unwilling to correct the operating deficiencies." See *Heart of the Black Hills Stations*, Decision, 32 FCC 2d 196, 198, para. 6 (1971). Nor do we find on the record here that "the number, nature and extent" of the violations indicate that "the licensee cannot be relied upon to operate [the station] in the future in accordance with the requirements of its licenses and the Commission's Rules." *Id.* at 200, para. 11. See also *Center for Study and Application of Black Econ. Dev.*, Hearing Designation Order, 6 FCC Rcd 4622 (1991); *Calvary Educ. Broad. Network, Inc.*, Hearing Designation Order, 7 FCC Rcd 4037 (1992). Additionally, Licensee's adoption of the Compliance Plan set forth in the Consent Decree shall ensure that the Station shall in the future be operated in accordance with the Rules.

³⁵ 47 U.S.C. §§ 154(i), 154(j), 309(k).

³⁶ 47 CFR §§ 0.61, 0.283.

15. **IT IS FURTHER ORDERED** that copies of this Order and Consent Decree **SHALL BE SENT**, by First Class and Certified Mail, Return Receipt Requested, to: The Global Service Center for Quitting Chinese Communist Party, 40-46 Main Street, Suite 201, Flushing, NY 11354, and to its counsel, James L. Winston, Esq, Rubin, Winston, Diercks, Harris & Cooke, LLP, 1250 Connecticut Ave., NW, Suite 700, Washington, DC 20036.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)
The Global Service Center for Quitting Chinese)
Communist Party) Facility ID No. 197021
) Acct. No. MB-202341410021
For Renewal of License for) FRN: 0023127632
Station WQEQ-LP) Application File No.: 0000183181
Flushing, New York)

CONSENT DECREE

1. The Media Bureau of the Federal Communications Commission (Commission) and The Global Service Center for Quitting Chinese Communist Party (Licensee, as defined below), licensee of low power FM (LPFM) station WQEQ-LP, Flushing, New York, by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Media Bureau’s investigation into the Licensee’s compliance with section 301 of the Communications Act of 1934, as amended (Act) and section 73.1745 of the Commission’s rules, regarding the Station’s operation with unauthorized facilities.1 To resolve this matter, the Licensee agrees to implement a comprehensive Compliance Plan to ensure its future compliance with these rule sections and to pay a civil penalty to the United States Treasury as described herein.

I. DEFINITIONS

- 2. For the purposes of this Consent Decree, the following definitions shall apply:
(a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 et seq.
(b) “Application” means the pending application for renewal of license for low power FM station WQEQ-LP (Application File No. 0000183181).
(c) “Adopting Order” means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
(d) “Bureau” means the Media Bureau of the Commission.
(e) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.
(f) “Compliance Plan” means the processes and procedures developed by the Licensee in an effort to ensure compliance with section 301 of the Act and section 73.1745 of the Rules.

1 47 CFR § 73.1745.

- (g) “Covered Employees” means all employees and agents of the Licensee who are responsible for performing, supervising, overseeing, or managing activities related to compliance with section 301 of the Act and section 73.1745 of the Rules.
- (h) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (i) “Investigation” means the Bureau’s decision to hold and not process the Licensee’s license renewal application identified in Appendix A due to the Licensee’s failure to comply with section 301 of the Act and section 73.1745 of the Rules.
- (j) “Licensee” means The Global Service Center for Quitting Chinese Communist Party and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (k) “Parties” means the Licensee and the Bureau, each of which is a “Party.”
- (l) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (m) “Station” means low power FM station WQEQ-LP, Flushing, New York.
- (n) “Violation” means the Licensee’s noncompliance with section 301 of the Act and section 73.1745 of the Rules.

II. BACKGROUND

3. Section 301 of the Act and 73.1745 of the Rules, respectively, require all radio stations to have a license issued by the Commission,² and state that “[n]o broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.”³ Upon review of the record,⁴ the Bureau confirmed, based on Licensee’s admission, that Licensee for a period from June 15, 2020, until September 7, 2021, operated an FM broadcast booster station⁵ for which it did not have an authorization.⁶ Licensee attributes this unauthorized additional transmitter to a language translation and misunderstanding of the rules regarding FM broadcast booster operation by LPFM stations.⁷ The Bureau determined that Licensee’s operation of an unauthorized FM broadcast booster station constituted a violation of section 301 of the Act and 73.1745 of the Rules, which requires all radio stations to have a license issued by the Commission,⁸ and which states that “[n]o

² 47 U.S.C. § 301.

³ 47 CFR § 73.1745.

⁴ On August 4, 2021, the Bureau issued a Letter of Inquiry (LOI) to Licensee, to which Licensee filed a response to the LOI on September 17, 2021. *See* Letter from Albert Shuldiner, Chief, Audio Division, FCC Media Bureau, to The Global Service Center for Quitting Chinese Communist Party (Aug. 4, 2021); Response to Operational Status Inquiry Letter (Sept. 17, 2021).

⁵ *See* 47 CFR §§ 74.1201(f) (definition of an FM broadcast booster station); 74.1201(l) (definition of an LPFM booster).

⁶ Declaration of Cindy Zhang Sun, Declaration of Cindy Zhang Sun, Vice President and Operations Manager of Station, attached to Response (Sun Declaration), para. 17. *See also* Statement Regarding Compliance with Commission Rules, attached to Application.

⁷ Sun Declaration, para. 17.

⁸ 47 U.S.C. § 301.

broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.”⁹

4. The Bureau and Licensee have negotiated the terms of the Consent Decree that terminates the Investigation into the matters discussed above. As part of the Consent Decree, the Licensee has agreed to make a settlement payment of One Thousand Five Hundred Dollars (\$1,500) to the U.S. Treasury, and to implement and maintain a Compliance Plan designed to ensure its future compliance with the Rules noted above for one (1) year after the Effective Date.

III. TERMS OF AGREEMENT

5. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

6. **Jurisdiction.** The Licensee agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

7. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

8. **Termination of Investigation/Action on Renewal Application.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process the Licensee’s pending radio license renewal application identified in Appendix A in the ordinary course. Termination of the Investigation and processing of the Application are premised on the payment of the civil penalty. In consideration for such, the Licensee agrees to the terms, conditions, and procedures contained herein.

9. The Bureau agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against the Licensee concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Licensee’s basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.¹⁰

10. **Admission of Liability.** The Licensee admits for the purpose of this Consent Decree that it violated section 301 of the Act and section 73.1745 of the Rules, by operating an FM broadcast booster station without authorization from June 15, 2020, until September 7, 2021. Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, “any history of prior offenses” by the licensee.¹¹ The Licensee acknowledges that the Commission or its delegated authority may consider the Licensee’s admission of liability in this Consent Decree in proposing any future forfeiture against Licensee in the event the Licensee is determined to have

⁹ 47 CFR § 73.1745.

¹⁰ See 47 CFR § 1.93(b).

¹¹ See 47 U.S.C. § 503(b)(2)(E).

apparently committed a violation of the Act, the Rules, or of any orders of the Commission after the Effective Date.

11. **Civil Penalty.** Licensee agrees to pay the Civil Penalty to the United States Treasury in the amount of One Thousand Five Hundred Dollars (\$1,500), within thirty (30) calendar days after the Effective Date. Licensee acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a “Claim” or “Debt” as defined in section 3701(b)(1) of the Debt Collection Improvement Act of 1996.¹²

12. **Payment.** Licensee shall send electronic notification of payment to Alexander.Sanjenis@fcc.gov on the date said payment of the Civil Penalty and each Installment Payment is made. Payment shall be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission’s Fee Filer (the Commission’s online payment system),¹³ or by wire transfer. The Commission no longer accepts civil penalty or forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹⁴

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be emailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN referenced above (Payor FRN).¹⁵ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log-in using the FRN referenced above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu, and select the bill number associated with the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and then choose the “Pay by Credit Card” option.
- Payment by ACH must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by ACH, log in using the FRN referenced above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu and then select the bill number associated to the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

¹² Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

¹³ Payments made using the Commission’s Fee Filer system do not require the submission of an FCC Form 159.

¹⁴ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

¹⁵ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

13. **Event of Default.** Licensee agrees that an Event of Default shall occur upon the failure by Licensee to pay the full amount of the Civil Penalty or any Installment Payment on or before the due date specified in this Consent Decree.

14. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Civil Penalty or any Installment Payment shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty or any Installment Payment, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Licensee.

15. **Compliance Officer.** Within 30 calendar days after the Effective Date, the Licensee shall designate a senior manager to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to the Licensee's Chief Executive Officer (or equivalent senior officer/owner) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of Licensee's obligations related to Licensee's compliance with section 301 of the Act and section 73.1745 of the Rules. The Bureau acknowledges that the Compliance Officer, Chief Executive Officer, Operations Officer, and/or owner may be the same individual.

16. **Compliance Plan.** For purposes of settling the matters set forth herein, the Licensee agrees that it shall, within 30 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with section 301 of the Act and section 73.1745 of the Rules, and with the terms and conditions of this Consent Decree. The Compliance Plan, with the exception of the Compliance Report described below in paragraph 16(c), shall apply to all radio stations owned by the Licensee. The Compliance Plan shall contain, at a minimum, the following elements:

- a) **Compliance Manual.** The Compliance Plan shall include a Compliance Manual that is distributed to all Covered Employees. The Licensee may adopt a Compliance Manual that it has prepared or one that has been prepared by an outside source, such as a trade association (e.g., the National Association of Broadcasters), another licensee, or a law firm. The Compliance Manual shall:
 - i. thoroughly explain the requirements embodied in section 301 of the Act and section 73.1745 of the Rules;
 - ii. contain Operating Procedures that Covered Employees must follow to help ensure the Licensee's compliance with section 301 of the Act and section 73.1745 of the Rules. The Operating Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with section 301 of the Act and section 73.1745 of the Rules; and
 - iii. be periodically reviewed and revised as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective.

- b) **Compliance Training Program.** If the Licensee has Covered Employees, the Compliance Plan shall include a compliance training program to provide periodic training to those Covered Employees on complying with section 301 of the Act and section 73.1745 of the Rules. As part of the compliance training program, Covered Employees shall be advised of the Licensee's obligation to report any noncompliance with section 301 of the Act and section 73.1745 of the Rules, and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 30 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Licensee shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- c) **Compliance Report.** One year after entering into this Consent Decree, the Licensee shall submit a compliance report to the Bureau for each station listed in Appendix A. The compliance report shall contain a certification of the Licensee's compliance with section 301 of the Act and section 73.1745 of the Rules during the previous year. The compliance report shall be submitted to the Bureau no later than 30 calendar days after the one-year anniversary of the Effective Date. The Bureau may, within its sole discretion, require the Licensee to submit more frequent or additional compliance reports in accordance with the terms of paragraph 18 below.
- i. The compliance report shall include a certification by the Compliance Officer stating that the Compliance Officer has personal knowledge that the Licensee: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree.
 - ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules,¹⁶ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
 - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer shall provide the Bureau with a report detailing the noncompliance, as described below.
 - iv. The compliance report shall be submitted to the Audio Division staff: Alexander Sanjenis, Assistant Division Chief, at Alexander.Sanjenis@fcc.gov.

17. **Reporting Noncompliance.** The Licensee shall, for each station it owns, report any instance of noncompliance with section 301 of the Act and section 73.1745 of the Rules, and any instance of noncompliance with any applicable terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Licensee has taken or will take to remedy such

¹⁶ See 47 CFR § 1.16.

noncompliance, including the schedule on which such actions will be taken; and (iii) the steps that the Licensee has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventative action will be taken. All reports of noncompliance shall be submitted to the Audio Division staff: Alexander Sanjenis, Assistant Division Chief, at Alexander.Sanjenis@fcc.gov.

18. **Termination Date.** The obligations to which the Licensee is subject pursuant to this Consent Decree shall terminate upon submission of the Compliance Report pursuant to paragraph 16(c), *provided* the Bureau is satisfied that the Licensee has demonstrated substantial compliance with its obligations. If the Bureau is not satisfied that the Licensee has demonstrated substantial compliance with its obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months.

19. **Further Violation(s).** The Licensee acknowledges that the Bureau retains the discretion and authority to propose sanctions against the Licensee, including the issuance of notices of apparent liability for forfeitures, for any apparent willful and/or repeated violation by the Licensee of section 301 of the Act and section 73.1745 of the Rules that occur during the term of this Consent Decree.

20. **Qualifications; Processing Application.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether Licensee possesses the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to process the Application, after the Effective Date, provided that the following conditions have been met: 1) the Civil Penalty payment, referenced in paragraph 11, has been fully and timely satisfied; and 2) there are no issues other than the Violations that would preclude grant of the Application.

21. **Waivers.** As of the Effective Date, the Licensee waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Licensee shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Licensee nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Licensee shall waive any statutory right to a trial *de novo*. The Licensee hereby agrees to waive any claims it may have under the Equal Access to Justice Act¹⁷ relating to the matters addressed in this Consent Decree.

22. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

23. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

24. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order

¹⁷ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

specifically intended to revise the terms of this Consent Decree to which the Licensee does not expressly consent) that provision will be superseded by such Rule or Order.

25. **Successors and Assigns.** The Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

26. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

27. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

28. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

29. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

30. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Albert Shuldiner
Chief, Audio Division

Date

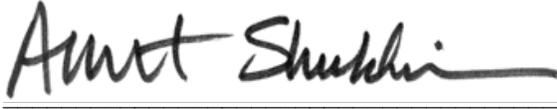


Rong Yi, President
The Global Service Center for Quitting Chinese Communist Party

09/25/2023

Date 9/25/2023

30. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.



Albert Shuldiner
Chief, Audio Division

9/28/2023

Date

Rong Yi, President
The Global Service Center for Quitting Chinese Communist Party

Date

Appendix A

<u>Station Call Sign</u>	<u>Community of License</u>	<u>Application for License Renewal File No.</u>
WQEQ-LP	Flushing, New York	0000183181